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Remarks

Claims 1-26 are pending in the application. Claims 10 and 21 have been amended to clarify that claim 10 (along with its dependent claims) relates to a therapeutic treatment and that claim 21 (along with its dependant claims) relates to a preventive or prophylactic treatment. Claim 25 has been cancelled without prejudice. Claim 1 has been amended to clarify that the particle is a smooth, solid crystalline particle. This amcnment further clarifies the invention and distinguishes it over the particles of the Lee application (cited in an Information Disclosure Statement filed with this response), which defines particles that are rough and poorly crystalline. Support for these amendments appears in the specification at pages 20, 25, and 32, as well as in the examples.

The Examiner has required Applicant to restrict the claims of the pending application to one of the following inventions:

- Group I: Claims 1-3 and 26, drawn to particles comprising calcium phosphate that are at least partially coated or impregnated with an allergen;
- Group II: Claims 4-9, drawn to particles comprising calcium phosphate that are at least partially coated or impregnated with an allergen and further comprising a surface modifying agent;
- Group III: Claims 10-12, drawn to methods of inducing an immune response in a patient utilizing particles comprising calcium phosphate that are at least partially coated or impregnated with an allergen;
- Group IV: Claims 13-16, drawn to methods of preparing particles comprising calcium phosphate that are at least partially coated or impregnated with an allergen;

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- Group V: Claims 17-20, drawn to methods of preparing particles comprising calcium phosphate that are at least partially coated or impregnated with an allergen and further comprising a surface modifying agent;
- Group VI: Claims 21-23 and 25, drawn to methods of inducing a preventative allergic desensitization in a patient utilizing particles comprising calcium phosphate that are at least partially coated or impregnated with an allergen; and
- Group VII: Claim 24, drawn to a method for providing controlled release of allergen utilizing particles comprising calcium phosphate that are at least partially coated or impregnated with an allergen.

In response to the Examiner's requirement, but without conceding the propriety thereof, Applicant elects Group III (claims 10-12) with traverse. Applicant submits, however, that a search for claims directed to Group III (which has been amended to recite methods for inducing a therapeutic immune in a patient who has already previously experienced an allergic response) would necessarily uncover references related to Group VI (which has been amended to recite methods for inducing a preventive or prophylactic immune response, i.e., to prevent an immune response in a patient that has not previously experienced an allergic response, but who might, based on family history or other parameters, be treated to prevent future allergic episodes.) There would not be an undue burden on the Examiner to search both sets of claims in the same application, because they are intended to use the same particle.

Moreover, as the Examiner knows, "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it

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on the merits, even though it includes claims to independent or distinct inventions." *See* MPEP 803 (emphasis added). Accordingly, Applicant submits that Groups III and VI should be examined together, even if the Examiner maintains the position that they are distinct inventions.

Applicant further submits that Groups I and II and Groups IV and V are similarly related and would not require an undue burden to be examined together with Groups III and VI. A search for smooth, solid crystalline particles (or methods of making particles) comprising calcium phosphate that are at least partially coated or impregnated with an allergen (Groups I and IV) would necessarily uncover references that relate to particles (or methods of making particles) that further comprise a surface modifying agent (Groups II and V). Including a surface modifying agent further modifies the claimed particles and methods; in fact, these claims are presented as dependant claims, further defining the basic particles and methods. There is no undue burden for these claims to be examiner together.

If there remain any additional issues to be addressed, the Examiner is invited to contact the undersigned attorney at 404.815.6147.

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Respectfully submitted,

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